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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,771	03/05/2002	Peter Robert Flux	UDL0157PUSA	7885

7590

02/17/2004

Brooks & Kushman
Twenty Second Floor
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EXAMINER

CHIN SHUE, ALVIN C

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/890,771	FLUX, PETER ROBERT	
	Examiner	Art Unit	
	Alvin C. Chin-Shue	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 5-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification as originally filed does not provide support for the indicator.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 and 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The preamble of the claims stated that only the assembly is being claimed, while positive limitations to the safety line suggest that a combination of the assembly with the safety line is being claimed, thus rendering the claims indefinite as it is unclear what is the means and bound of the claimed invention.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by GB '096 to David. David shows a gripping means 10,25, a tensioning means with hollow shaft 6 and load setting means 11, and bracket means 18,24,23,1,4.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lichtenberg in view of either Davies or David. Lichtenberg shows the claimed assembly with a gripping means 20, a tensioning means with hollow shaft 26 and load setting means 28, and bracket means 30 the claimed difference being the manually adjustable clamp block. Davies in fig.5 and David at 10,25 show the claimed clamp block. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Lichtenberg with a gripping means as claimed, in lieu of his means 20, to facilitate

repositioning on the cable. To provide an indicator, as is conventional to facilitate inspection, would have been an obvious engineering expedient.

Claims 1 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lichtenberg in view of French pat. '820 to Pillas. Lichtenberg shows the claimed assembly with a gripping means 20, a tensioning means with hollow shaft 26 and load setting means 28, and bracket means 30 the claimed difference being the manually adjustable clamp block. Pillas at 6 shows the claimed clamp block. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Lichtenberg with a gripping means as claimed, in lieu of his means 20, to facilitate repositioning on the cable. To provide an indicator, as is conventional to facilitate inspection, would have been an obvious engineering expedient.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lichtenberg and either David or Davies as applied to claims 1 and 2 above, and further in view of Lichtenberg '185. Lichtenberg '185 in fig.4 shows a bracket 43 with jaws and a tensioner at 49. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lichtenberg '785 to comprise a tensioner and bracket with jaws, in lieu of his tensioner and bracket, to enable support in an aperture.

Claims 10/1 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lichtenberg and Pillas as applied to claim 1 above, and further in view of Lichtenberg '185. Lichtenberg '185 in fig.4 shows a bracket 43 with jaws and a tensioner at 49. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lichtenberg '785 to comprise a tensioner and bracket with jaws, in lieu of his tensioner and bracket, to enable support in an aperture.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation of claim 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

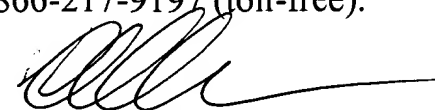
Applicant's arguments filed 11.17.03 have been fully considered but they are not persuasive. Applicant stated that David's assembly is not a bottom anchor, it is noted that the claimed invention is to an assembly or an assembly and line, wherein all the claimed elements are taught by David, and the claimed use is not deemed to be a patentable distinction. With respect to Lichtenberg and either David or Davies, applicant stated that if Lichtenberg was modified to comprise an adjustable gripping member, then the tensioner 26 would not be needed. The examiner

disagrees as the adjustable gripper would provide coarse adjustments while the tensioner 26 would provide fine adjustments.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 703-308-2475. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alvin C. Chin-Shue
Primary Examiner
Art Unit 3634